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EXAMINER

AVELLINO, JOSEPH E

ART UNIT PAPER NUMBER

2143

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,118

Applicant(s)

DILLON, DOUGLAS M

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-86 is/are pending in the application.
- 4a) Of the above claim(s) 60-65, 76, 77, 79, 81, 82 and 84-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-47, 49-58, 66-69, 71-75, 78, 80 and 83 is/are rejected.
- 7) ☒ Claim(s) 48, 59 and 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 41-86 are pending in this examination. The Office acknowledges the election with traverse of Group I, comprising of Claims 41-59, 66-75, 78, 80, and 83 with claims 41, and 66 independent. Claims 60-65, 76-77, 79, 81, 82, and 84-86 are withdrawn from consideration as being drawn to a nonelected invention.

Allowable Subject Matter

2. Claims 48, 59, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 49 recites the limitation "exceeding the MTU of the network" which lacks antecedent basis. It is undeterminable from the scope of the claim what the term "MTU" stands for. Correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 41-47, 55-58, 66-69, 78, and 80 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson, Jr. (USPN 5,640,504) (hereinafter Johnson).

7. Referring to claim 41, Johnson discloses a driver (interface) for use in a computing device (transputer) having a TCP/IP stack, said driver encapsulating a first IP packet (local transputer network packet) from the TCP/IP stack of the computing device within a second IP packet (a format suitable for internetwork transmission, but since the internetwork is a TCP/IP internetwork, col. 26, lines 7-8, it is understood that this format is an IP format) (Figures 19-21; col. 26, lines 1-54).

8. Referring to claim 42, Johnson discloses said driver (interface) sends the second IP packet onto a network (internetwork 206) (Figure 19; col. 26, lines 14-23).

9. Referring to claim 43, Johnson discloses the network is the Internet (the Office takes the term Internet as just an interconnection of multiple networks joined together to transmit information from one network to another which is the purpose of the internetwork 206 seen in Johnson) (Figure 19; col. 26, lines 1-54).

10. Referring to claim 44, Johnson discloses an apparatus (Node 7, as an example) on the Internet (internetwork, 206) receives the second IP packet (internetwork packet) and obtains the first IP packet (decapsulated) from the second IP packet (Figure 21; col. 26, lines 23-40).

11. Referring to claim 45 and 46, Johnson discloses the apparatus sends a packet (the original packet) comprising data from the data field of the first IP packet onto an IP network (i.e. Node 7, receives packets for the other nodes in transputer network 202, decapsulates them, and then reroutes them to the appropriate transputer on the transputer network 202) (col. 26, lines 23-40).

12. Referring to claim 47, Johnson discloses the first IP packet is addressed such that an IP packet send by a second apparatus in response to the first IP packet is routed through the apparatus on the Internet (in order for a transputer on transputer network 202 to transmit a packet to another transputer on transputer network 200, the encapsulation must be done by Node 7) (Figures 19-21; col. 26, lines 1-54).

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13. Referring to claims 55 and 56, Johnson discloses the computing device is a personal computer (col. 4, lines 59-62).

14. Referring to claims 57 and 58, Johnson discloses the driver interfaces to the TCP/IP stack of the computing device using an Ethernet device driver interface (col. 4, lines 43-62).

15. Claims 66-69, 78, and 80 are rejected for similar reasons as stated in the claims above.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 49-54, and 71-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson.

17. Referring to claim 49, Johnson discloses the driver substantively as claimed in claim 43. Johnson does not specifically disclose the second IP packet is fragmented into a plurality of packets as a result of its packet size exceeding an MTU of the

network, and the IP packets are received on the Internet. However it is well known and expected in the art that large IP packets are fragmented into smaller packets to facilitate routing and to take advantage of parallel routing through multiple routers. It would have been obvious to one of ordinary skill in the art to incorporate the feature of fragmenting the IP packets into smaller IP packets when the packet reaches a larger size to reduce processing delays and increase overall efficiency of the routing system.

18. Referring to claim 50, Johnson discloses the driver substantively as described in claim 43. Johnson fails to disclose reassembling the plurality of IP packets into the second IP packet. However it is well known that TCP/IP protocol incorporates segmentation of the packet and uses sequence packet numbers to reassemble the packet at the destination in order to facilitate routing and reducing processing time. Therefore it would have been obvious to one of ordinary skill in the art to reassembling the plurality of IP packets into the second IP packet in order to obtain the original IP packet before it was encapsulated for transport over the Internet.

19. Claims 51-54, and 71-75 are rejected for similar reasons as stated above.

20. Referring to claim 83, Johnson discloses the driver substantively as described in claim 66. Johnson is silent on an internet browser running on an apparatus which accesses a server through the TCP/IP stack of the apparatus which sends a request to the server by way of said driver and the gateway apparatus. However Johnson does

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disclose that the apparatus is a personal computer with all the communications necessary and therefore it would be obvious to assume that an internet browser is used to send the request to a server by way of the driver and gateway apparatus in order for the user to access information for the user. It would have been obvious to one of ordinary skill in the art to include an internet browser on the computing device to facilitate user selection of requested information on the Internet.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Macera et al. (USPN 5,490,252) discloses transmitting generic packets to another processor to be altered and transmitting altered packets for routing on protocol specific networks.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
December 29, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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